

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

PUBLIC COPY

FILE:

XSJ 88 153 1059

Office: GUAYNABO, PR

Date:

SEP 30 2009


IN RE: Applicant:

APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the  
Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. You no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case. If your appeal was sustained or remanded for further action, you will be contacted.

  
John F. Grissom  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The application for status as a temporary resident under Section 245A of the Immigration Reform and Control Act of 1986 was denied by the Director, Guaynabo, PR, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant filed an application for temporary resident status on May 4, 1988. The application was denied on May 1, 1989 because the applicant failed to appear for a scheduled interview. United States Citizenship and Immigration Services (USCIS) reopened the case on October 12, 1990 finding that the applicant's failure to appear for the scheduled interview was due to extenuating circumstances. Another interview was subsequently scheduled for August 24, 2004. On August 23, 2004 counsel mailed a letter to USCIS stating that they have been unable to contact their client and asked that another interview be scheduled after September 15, 2004. Another interview was then scheduled for June 29, 2005. On June 27, 2005, counsel again notified USCIS that the applicant could not be reached and asked that another interview be scheduled. By decision dated January 27, 2006, the director denied the application for abandonment because the applicant failed to appear for a scheduled interview on August 25, 2004, and USCIS did not receive a request for rescheduling prior to the interview date. As stated in 8 C.F.R. § 103.2(b)(15), a denial due to abandonment may not be appealed. Therefore, the appeal will be rejected.

It is further noted that a review of the record does not establish that the applicant is eligible for the immigration benefit sought in that evidence of record does not establish by a preponderance of the evidence that the applicant continually resided in the United States for the duration of the requisite period.

**ORDER:** The appeal is rejected.